



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,121	04/06/2000	David A. Evans	940630-010-018	7647

7590 10/30/2002

Blaney Harper Esq  
Jones Day Reavis & Pogue  
51 Louisiana Avenue NW  
Washington, DC 20001-2113

EXAMINER

LY, ANH

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/544,121

Applicant(s)

EVANS ET AL.

Examiner

Anh Ly

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-22 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-22 and 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 08/19/2002 with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.
2. Claims 2 and 23-24 have been cancelled.
3. Claims 1, 3-22 and 25-33 are pending in this application.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 1, 9 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,806,062 issued to Chen et al. (herein Chen).

With respect to claim 1, Chen discloses selecting one or more data sources (col. 1, lines 5-40); selecting a plurality of operators for analyzing information (col. 2, lines 2-18); linking said plurality of operators together in a network (abstract and col. 2, lines 1-18); creating a visual representation of said network (col. 12, lines 11-30 and col. 13, lines 24-42); detecting whether said data source is a data stream or a database (col. 1, lines 10-45 and col. 2, lines 20-38); evaluating said operators against a database when said data source includes one or more databases and evaluating a data unit against said operator when said data source includes one or more data streams; and creating a plurality of output indicators corresponding to each of said operators on said visual representation of said network, wherein said output indicators visually represent a quantified output of said corresponding operators (abstract, col. 1, lines 54-67, col. 3, lines 52-67 and see fig. 3).

Chen does not clearly disclose "creating a visual presentation of said network." However, Chen discloses producing a visual representation of information contained in the database and of the difference information using the layout operator. An interactive display operator may be provided such that a user may view a directed graph on a display screen and interact with the display to generate additional information (see fig 3 col. 12, lines 11-30 and col. 13, lines 24-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Chen such as data analysis, operators, document database and visual representation so as to obtain a computer assisted method for analyzing information from a data source in the analyzing

information using visualization representation environment. The visual representation of the difference information is a graphical display from which the user may be view and interact with the display such as selecting object on the screen, controlled by a graphical user interface such as mouse (col. 13, lines 24-42).

With respect to claim 9, Chen discloses selecting one or more data sources; selecting a plurality of operators for analyzing information; linking said operators together in a network; creating a visual representation of said network; linking said network to said data source in said visual representation; compiling said network and evaluating said data source using said network when said network is visually linked to said data source; and creating a plurality of output indicators corresponding to each of said operators on said visual representation of said network, wherein said output indicators visually represent a quantified output of said corresponding operators (col. 1, lines 5-40; col. 2, lines 2-18; abstract and col. 2, lines 1-18; col. 12, lines 11-30 and col. 13, lines 24-42; col. 1, lines 10-45 and col. 2, lines 20-38; abstract, col. 1, lines 54-67, col. 3, lines 52-67 and see fig. 3).

Chen does not clearly disclose "creating a visual presentation of said network." However, Chen discloses producing a visual representation of information contained in the database and of the difference information using the layout operator. An interactive display operator may be provided such that a user may view a directed graph on a display screen and interact with the display to generate additional information (see fig 3 col. 12, lines 11-30 and col. 13, lines 24-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Chen such as data analysis, operators, document database and visual representation so as to obtain a computer assisted method for analyzing information from a data source in the analyzing information using visualization representation environment. The visual representation of the difference information is a graphical display from which the user may be view and interact with the display such as selecting object on the screen, controlled by a graphical user interface such as mouse (col. 13, lines 24-42).

With respect to claims 16-17 and 21, Chen discloses , wherein said output indicators further represent a quantified input of said corresponding operators and wherein said output indicators display the number of input documents and the number of output documents for said operators, and wherein each of said output indicators represent a response function initiated by said corresponding operators (abstract, col. 3, lines 22-67, col. 4, lines 1-30, col. 7, lines 28-67, col. 8, lines 1-20 and col. 9, lines 47-62).

With respect to claim 18-20, Chen discloses a pie chart, a bar char and a term map by graphical representation via display graphic (see fig 3 and item 328 and 330).

With respect to claim 22, Chen discloses selecting a plurality of operators for detecting whether information satisfies a desired constraint; linking said operators together in a network; creating a visual representation of said network; linking said data stream to said network in said visual representation; evaluating said received information against said network; automatically generating a programmed response

Art Unit: 2172

when a constraint from at least one network operator is satisfied; and creating an output indicator, said indicator representing a response function initiated by one of said operators (col. 1, lines 5-40; col. 2, lines 2-18; abstract and col. 2, lines 1-18; col. 12, lines 11-30 and col. 13, lines 24-42; col. 1, lines 10-45 and col. 2, lines 20-38; abstract, col. 1, lines 54-67, col. 3, lines 52-67 and see fig. 3; col. 3, lines 22-67, col. 4, lines 1-30, col. 7, lines 28-67, col. 8, lines 1-20 and col. 9, lines 47-62).

Chen does not clearly disclose "creating a visual presentation of said network." However, Chen discloses producing a visual representation of information contained in the database and of the difference information using the layout operator. An interactive display operator may be provided such that a user may view a directed graph on a display screen and interact with the display to generate additional information (see fig 3 col. 12, lines 11-30 and col. 13, lines 24-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Chen such as data analysis, operators, document database and visual representation so as to obtain a computer assisted method for analyzing information from a data source in the analyzing information using visualization representation environment. The visual representation of the difference information is a graphical display from which the user may be view and interact with the display such as selecting object on the screen, controlled by a graphical user interface such as mouse (col. 13, lines 24-42).

Art Unit: 2172

7. Claims 3-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,806,062 issued to Chen et al. (herein Chen) in view of US Patent No. 6,353,825 issued to Ponte.

With respect to claims 3-5, Chen discloses a method as discussed in claim 1.

Chen does not explicitly indicate, "combining said operators having a document identifier into operator database; a listing of data context identifiers having one or more corresponding document features group of terms, term counts."

However, Pont discloses document identifier, feature of document and term counts as claimed (col. 8, lines 50-67, col. 9, lines 1-67 and col. 10, lines 1-18; col. 23, lines 30-47, see fig 8 and fig 9; col. 19, lines 50-54 and col. 34, lines 39-47; col. 8, lines 50-67 and col. 9, lines 1-40 and col. 26, lines 21-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Chen with the teachings of Ponte so as to obtain a method for analyzing information from a data source. This combination would provide the method including the selection of document based on the feature of documents determined to have the characteristic in order to generate a new rank ordered list of document (Ponte – col. 9, lines 45-60) in the analyzing information using visualization representation environment.

With respect to claims 10-12, Chen discloses a method as discussed in claim 9.

Chen does not explicitly indicate, "combining said operators having a document identifier into operator database; a listing of data context identifiers having one or more corresponding document features; and a group of terms, term counts."



However, Pont discloses document identifier, feature of document and term counts as claimed (col. 8, lines 50-67, col. 9, lines 1-67 and col. 10, lines 1-18; col. 23, lines 30-47, see fig 8 and fig 9; col. 19, lines 50-54 and col. 34, lines 39-47; col. 8, lines 50-67 and col. 9, lines 1-40 and col. 26, lines 21-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Chen with the teachings of Ponte so as to obtain a method for analyzing information from a data source. This combination would provide the method including the selection of document based on the feature of documents determined to have the characteristic in order to generate a new rank ordered list of document (Ponte – col. 9, lines 45-60) in the analyzing information using visualization representation environment.

8. Claims 6-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,806,062 issued to Chen et al. (herein Chen) in view of US Patent No. 6,266,053 issued to French et al. (herein French).

With respect to claims 6-8, Chen discloses a method as discussed in claim 1.

Chen does not explicitly indicate, "at least one of group consisting of a text file, audio file, video file, graphic file and picture file; data source is transmitted over a network and network comprises the Internet."

However, French discloses multimedia data, network such as Internet as claimed (col. 1, lines 5-20, col. 7, lines 42-52 and col. 8, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Chen with the teachings of French so as to obtain a method for analyzing information from a data source. This combination would provide the method for performing various optimizations to transmit multimedia data over the network such as Internet (French – col. 5, lines 42-54) in the analyzing information using visualization representation environment.

With respect to claims 13-15, Chen discloses a method as discussed in claim 1.

Chen does not explicitly indicate, “at least one of group consisting of a text file, audio file, video file, graphic file and picture file; data source is transmitted over a network and network comprises the Internet.”

However, French discloses multimedia data, network such as Internet as claimed (col. 1, lines 5-20, col. 7, lines 42-52 and col. 8, lines 14-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Chen with the teachings of French so as to obtain a method for analyzing information from a data source. This combination would provide the method for performing various optimizations to transmit multimedia data over the network such as Internet (French – col. 5, lines 42-54) in the analyzing information using visualization representation environment.

9. Claims 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,806,062 issued to Chen et al. (herein Chen) in view of US Patent No. 6,029,171 issued to Smiga et al. (herein Smiga).

With respect to claims 25-33, Chen discloses a method for automatically responding to information received from a data stream as discussed in claim 22.

Chen does not explicitly indicate, "wherein said programmed response comprises generating an email message; wherein said programmed response comprises generating a telephone voice message; wherein said output indicator represents an email message; and wherein said output indicator represents a telephone voice message; wherein said programmed response comprises generating a text message; creating an output indicator, said indicator representing a response function initiated by one of said operators; wherein said output indicator represents a text message and transmitting said output indicator over a computer network."

However, Smiga discloses text expression such as text message and response indicator as claimed (abstract, col. 1, lines 18-40, col. 2, lines 56-67, col. 3, lines 1-13 and col. 5, lines 22-55; col. 24, lines 16-31); and transmitting information over network as claimed (col. 4, lines 3-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Chen with the teachings of Smiga so as to obtain a method for automatically responding to information received from a data stream. This combination would provide the existing method having a way to for user interface with the linked objects includes lists, project, e-mail, document identifiers for displaying the information (Smiga – col. 5, lines 55-67 and col. 6, lines 1-10) in the analyzing information using visualization representation environment.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact Information**

10. Any inquiry concerning this communication should be directed to Anh Ly whose telephone number is (703) 306-4527 or via E-Mail: **ANH.LY@USPTO.GOV**. The examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner are unsuccessful, see the examiner's supervisor, Kim Vu, can be reached on (703) 305-4393.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to: (703) 746-7238 (after Final Communication)


or: (703) 746-7239 (for formal communications intended for entry)

or: (703) 746-7240 (for informal or draft communications, or Customer Service Center, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Oct. 23<sup>rd</sup>, 2002.

  
HOSAIN T. ALAM  
PRIMARY EXAMINER